THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 11518 of 2007

Dated 5th June 2007

Between:

Mulakala Bapineedu & another

... Petitioners

and

The Deputy Executive Engineer,
Spl.Drains, Drainage Board, Irrigation Department-,
Sub-Division, Ramachandrapuram,
East Godavari District & another.

... Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 11518 OF 2007

O R D E R:

The petitioners are the owners of agricultural land, which is in between Teki main drain and PWD irrigation canal, in Kota village. A branch drain, emanating from the village and underneath the irrigation canal, passes through the land of the petitioners and joins the main drain. The respondents are taking steps to fit pipes, at the point, where the branch drain canal joins the main drain. The petitioners contend that the size of the pipes, which are sought to be installed, is so small that the free flow of the drain water would be obstructed, and thereby the land of the petitioners is likely to be inundated. They claim to have made a representation to the respondents on 25.5.2007 and 30.5.2007, in this regard, and complain that the same was not taken

into account.

Heard the learned counsel for the petitioners and the learned Government Pleader for Irrigation.

The effort of the respondents appears to be to protect the bund of the drain, from being eroded. However, in the process, they must ensure that the flow of the water, from the branch drain into the main drain, is not obstructed, on account of installation of pipes. The size of the pipes must be chosen to ensure free flow of the water. This court cannot decide, as to the adequacy or otherwise of the size of the pipes. It is for the respondents to take necessary steps, in this regard.

Hence, the writ petition is disposed of, directing that the respondents shall consider the representation made by the petitioners, before the work of laying pipes, at the meeting point of the branch drain and Teki main drain, is concluded. There shall be no order as to costs.

_____

5th June 2007

Note: Issue C.C. by tomorrow.

(B/o)

PAN_